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October 13, 2017

BY ECF

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC, No. 08-1789 (SMB); Irving H. Picard v. ABN AMRO Bank (Ireland) Ltd., No. 10-5355 (SMB)

Dear Judge Bernstein:

I write on behalf of Defendants ABN AMRO Bank (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Bank (Ireland) Ltd.) (n/k/a ABN AMRO Retained Custodial Services (Ireland) Limited) and ABN AMRO Custodial Services (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Custodial Services (Ireland) Ltd.) (together, the “ABN Defendants”) concerning the Trustee’s Omnibus Motion Seeking Leave to Replead Pursuant to Fed. R. Civ. P. 15(a) and Court Order Authorizing Limited Discovery Pursuant to Fed. R. Civ. P. 26(d)(1), filed on August 28, 2014, No. 08-1789, ECF No. 7826; No. 10-5355, ECF No. 65 (the “Trustee’s Motion for Leave to Replead and Discovery”).

Pursuant to this Court’s Order Concerning Further Proceeding on Trustee’s Motion for Leave to Replead and for Limited Discovery dated July 24, 2017, No. 08-1789, ECF No. 16428 (the “July 2017 Scheduling Order”), the ABN Defendants filed their Supplemental Memorandum of Law in Opposition to the Trustee’s Motion for Limited Discovery on the Good Faith Issue on October 6, 2017, No. 08-1789, ECF No. 16732, No. 10-5355, ECF No. 134 (the “ABN Supplemental Brief”).

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Pursuant to paragraph 8 of the July 2017 Scheduling Order, counsel for the ABN Defendants reserve the right to appear at oral argument to address any issues specific to the ABN Defendants, should it be necessitated by any arguments made by the Trustee in reply to the ABN Supplemental Brief.

Sincerely,

/s/ Christopher Harris

Christopher Harris
of LATHAM & WATKINS LLP

cc: Counsel of Record